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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,586	12/02/2005	Ian Hughes	GB920030045US1	2712

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EXAMINER	
PATTON, SPENCER D	

ART UNIT	PAPER NUMBER
3664	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,586	HUGHES, IAN	
	Examiner	Art Unit	
	SPENCER PATTON	4184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed January 23, 2009 has been entered. Claims 1-22 remain cancelled. Claims 23-52 remain pending. The previous objections to the specification and claims are withdrawn in light of Applicant's amendments to the specification and claims.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. **Claims 23-26, 28-30, 32-40, 42-48, and 50-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

Huckle et al teaches:

Re claim 23. A method for providing navigational instructions, said method comprising:

receiving a signal (page 2, lines 13-15) from a first device (base unit; page 2, lines 11-12), said signal specifying a destination location (page 8, lines 6-8; the final direction specifies the destination location), a second device (user device; page 8, line 17), and a request for at least one route leading to the destination location such that the at least one route is to be sent to the second device (page 8, lines 1-3); and

sending at least one set of images to the second device (page 5, lines 15-17), wherein each set of images of the at least one set of images defines a unique route

leading to the destination location (page 5, lines 9-13; Each unique starting location has a unique route to the destination location).

Huckle et al fails to specifically teach: **(re claim 23)** determining a device type of the second device during or after said receiving the signal from the first device; wherein a total number of the at least one set of images and a content of each set of the at least one set of images are a function of the determined device type.

O'Carroll teaches, at column 8, lines 32-37, determining a functionality level of a communication device, and at column 9, lines 26-32, reducing the number of image packets that are sent to a communication device whose functionality cannot handle more images.

In view of O'Carroll's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al, **(re claim 23)** determining a device type of the second device during or after said receiving the signal from the first device; wherein a total number of the at least one set of images and a content of each set of the at least one set of images are a function of the determined device type; since O'Carroll teaches limiting the number of pictures which are sent to communication devices which cannot handle the excess pictures so that air time of signal transmission is not wasted, while still providing the best user experience (abstract).

Huckle et al also teaches:

Re claim 24. Wherein the first and second devices are a same device (page 8, lines 16-18).

Re claim 25. Wherein the first and second devices are different devices (page 8, lines 16-18).

Re claim 26. Wherein the at least one set of images comprises a plurality of sets of images (page 5, lines 9-13; each starting location has an associated set of images).

Re claim 28. Wherein the signal does not comprise a starting location from which each route to the destination location is to originate from (page 5, lines 9-13; and Figure 4a; The user brought up the landmark he or she wishes to get directions to (Clarks), but did not supply a starting location. After selecting the destination location the program provided the possible starting locations via the drop down menu shown in Figure 4a, these locations were not specified in the initial transaction between the user and the program).

Re claim 29. Wherein the at least one set of images comprises a plurality of sets of images (page 5, lines 9-13; each starting location has an associated set of images).

Re claim 30. Wherein each set of images comprises a furthest image that is furthest

from the destination location, and wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location (page 5, lines 9-13).

Re claim 32. Wherein said sending comprises sending the at least one set of images to the second device as a time-ordered sequence of subsets of the images in the at least one set of images (page 5 lines 15-17), and wherein each subset is sent to the second device in response to a prompt from the first device (abstract, lines 3-4).

Re claim 33. Wherein said sending comprises sending the at least one set of images to the second device as a time-ordered sequence of subsets of the images of the at least one set of images (page 5, lines 15-17), and wherein each subset is automatically sent to the second device (abstract, lines 3-4).

Re claim 35. Wherein the method further comprises providing a database that comprises the at least one set of images; and recording in the database that each set of images of the at least one set of images defines a unique route leading to the destination location, wherein said providing the database and said recording in the database are performed prior to said receiving the signal from the first device (page 6, lines 27-29; each unique starting location makes each route unique).

Re claim 36. Wherein the method further comprises providing a database that

comprises the at least one set of images and relative indicators showing a positional relationship of each image in the at least one set of images relative to another image in the at least one set of images, and wherein said providing the database that comprises the at least one set of images and the relative indicators is performed prior to said receiving the signal from the first device (page 6 line 26).

Re claim 37. A computer program product stored on a computer readable storage medium, comprising computer readable program code (programming code; page 6, lines 9-11) for performing a method for providing navigational instructions (discussed above in re claim 23).

Re claims 38-40. These limitations are discussed above in re claims 24-26.

Re claims 42-44. These limitations are discussed above in re claims 28-30.

Re claim 45. A system comprising a server (base unit; page 6, line1) said server comprising a database for storing images of locations (database; page 6, line 2) and a computer program product (programming code; page 6, lines 9-11) for performing a method for providing navigational instructions using images in the database (discussed above in re claim 23)

Re claims 46-48. These limitations are discussed above in re claims 24-26.

Re claims 50-52. These limitations are discussed above in re claims 28-30.

Re claim 34. Wherein the method further comprises providing a database (page 6, lines 1-3) that comprises the at least one set of images, and wherein said providing the database that comprises the at least one set of images is performed prior to said receiving the signal from the first device.

3. Huckle et al in view of O'Carroll discloses the claimed invention except for **(Re claim 34)** wherein each image in the at least one set of images is keyed in the database by the destination location for each route of the routes defined by the at least one set of images. It would have been an obvious matter of design choice to key in each image by the destination location for each route of the routes defined by the at least one set of images, since applicant has not disclosed that keying in each image by the destination location for each route of the routes defined by the at least one set of images solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with each image in the at least one set of images keyed in the database by the destination location for each route of the routes defined by the at least one set of images. Huckle discloses, at page 8, lines 5-8, that the images stored in the database can be called up from a pre-made database in the appropriate order based on table 2 records. There is no advantage to images being

keyed in by a destination location rather than another unique identifier, as long as the database can call up the images when a route request to a destination is received.

4. **Claims 27, 41, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al as modified by O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Ohler et al (US Patent No. 6,314,367) and LeFebvre et al (US Patent No. 5,612,882).

The teachings of Huckle et al as modified by O'Carroll have been discussed above. Huckle et al further teaches:

Re claims 27, 41, and 49. Providing a database that comprises the at least one set of images (page 6, lines 1-3).

Huckle et al as modified by O'Carroll fails to specifically teach: **(re claims 27, 41, and 49)** receiving a vote on a usefulness of received images in the at least one set of images; and modifying the database in dependence upon said received votes, wherein said modifying comprises at least one of replacing, deleting, and amending at least one image in the at least one set of images in the database.

Ohler et al teaches an error reporting process for a navigation device (column 11, lines 16-21; and column 12, lines 46-49) in which the reported errors are counted as if they were votes (column 12, line 66 through column 13, line 9), and the database is corrected when there are many errors reports in an area (column 13, lines 12-15).

In view of Ohler et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll, **(re claims 27, 41, and 49)** receiving a vote on a usefulness of received images in the at least one set of images; and modifying the database in dependence upon said received votes, wherein said modifying comprises at least one of replacing, deleting, and amending at least one image in the at least one set of images in the database; since Ohler et al teaches user feedback as a way to improve the geographic database of a navigation system.

Huckle et al as modified by O'Carroll and Ohler et al fails to specifically teach: **(re claims 27, 41, and 49)** receiving a vote on a usefulness of **each** received image in the at least one set of images.

LeFebvre et al teaches, at column 5, lines 13-29, obtaining user feedback on each direction the user receives in order to improve the navigation system.

In view of LeFebvre et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll and Ohler et al, **(re claims 27, 41, and 49)** receiving a vote on a usefulness of **each** received image in the at least one set of images; since LeFebvre et al teaches using user feedback of every direction received in order to improve the navigation system.

5. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al in view of O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Russian Metro Map.

The teachings of Huckle et al in view of O'Carroll have been discussed above.

Huckle et al in view of O'Carroll fails to specifically teach: **(re claim 31)** wherein the ring of images is shaped as a circle whose center is at the destination location.

Russian Metro Map teaches a schematic drawing in which the stations on the brown line which form a ring around Moscow are placed in a circle around Moscow.

In view of Russian Metro Map's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al in view of O'Carroll, **(re claim 31)** wherein the ring of images is shaped as a circle whose center is at the destination location; since Russian Metro Map teaches placing locations which form a ring into a circular configuration on a schematic map is easier to read.

Response to Arguments

Applicant's amendments have overcome the objections to the specification and claims from the previous Office Action.

6. Applicant's arguments, see page 16, filed January 23, 2009, with respect to the rejection(s) of **claim(s) 23, 37, and 45** under 35 U.S.C. 103(a) have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Huckle et al (WIPO Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

While Huckle et al does not teach the limitation: " determining a device type of the second device during or after said receiving the signal from the first device; wherein a total number of said sets of images and a content of each set of images are a function of the determined device type," O'Carroll does teach this limitation as discussed above.

7. Applicant's arguments with respect to claims 23, 37, and 45 on page 15; and claims 24-26, 28-30, 32-36, 38-40, 42-44, 46-48, and 50-52 on page 17, have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed January 23, 2009 on page 17 with respect to the rejection of **claims 28, 42, and 50** have been fully considered but they are not persuasive. The user supplies the destination location without specifying any starting locations. The predetermined starting points mentioned in Huckle et al page 5, lines 9-13 are provided in response to the user's providing the destination location.

9. Applicant's arguments filed January 23, 2009 on page 18 with respect to the rejection of **claims 30, 44, and 52** have been fully considered but they are not persuasive. The furthest images of Huckle et al (Liverpool St, Fenchurch St, and

Cannon St), which can be seen when the user selects the starting locations in Figure 4a and is directed to Figure 4b, when combined, form on a ring around the destination location (Clarks) just as much as Nelson's Column, Piccadilly Circus, Hyde Park corner, and Victoria Station form on a ring around Buckingham palace as disclosed in paragraph 89 of Applicant's specification.

10. Applicant's arguments, see page 19, filed January 23, 2009, with respect to the rejection(s) of **claim(s) 34** under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

As stated above, the limitation: "wherein each image in the at least one set of images is keyed in the database by the destination location for each route of the routes defined by the at least one set of images" is an obvious matter of design choice and is not patentable over Huckle et al as modified by O'Carroll.

11. Applicant's arguments filed January 23, 2009 on page 21 with respect to **claims 27, 41, and 49** have been fully considered but they are not persuasive. Erroneous data is generally considered to be less useful than correct data.

12. Applicant's arguments, see page 22, filed January 23, 2009, with respect to the rejection(s) of **claim(s) 27, 41, and 49** under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Huckle et al as modified by O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Ohler et al (US Patent No. 6,314,367) and LeFebvre et al (US Patent No. 5,612,882).

While Huckle et al as modified by O'Carroll and Ohler does not teach receiving a vote of usefulness for **each** received image, LeFebvre et al does teach this limitation as discussed above.

13. Applicant's arguments filed January 23, 2009 on pages 23 and 24 with respect to **claim 31** have been fully considered but they are not persuasive. Since the brown line, which forms a ring around the center of Moscow, is depicted as a circle whose center is the center of Moscow, it would have been obvious to one of ordinary skill in the art at the time of the invention to place the destination of Huckle et al (Clarks) at the center of a circle which is formed by the starting locations which also form a ring around Clarks. One of ordinary skill in the art at the time of the invention would recognize that the illustration of Russian Metro Map was laid out using simple geometric configurations rather than the actual geographic layout of the Metro system in order to aid in the quick understanding of relative locations within the system. For instance, items located on a circle around a central point can quickly be identified as approximately equidistant from the center, as well as their locations relative to other points on the circle (to the left/right) and their direction from the central location (east, west, etc.), this type of information can help to quickly orient a person using the navigation system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SPENCER PATTON whose telephone number is (571)270-5771. The examiner can normally be reached on Monday-Thursday 7:30-5:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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